

“(A) the number of days from the date the Commission issued such order to the date of such referral;

“(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

“(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.”.

#### SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) ADDITIONAL ENFORCEMENT REMEDIES.—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

By Mr. SMITH (for himself and Mr. BREAU):

S. 2604. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations; to the Committee on Finance.

Mr. SMITH. Mr. President, I am very pleased today to introduce the Small Business Growth and Opportunity Act of 2004 along with my Finance Committee colleague, Senator BREAU.

This legislation will allow S corporations to liquidate unproductive assets freeing up capital to be used to grow the business and create new jobs.

There are about 2.9 million of these small and family-owned businesses in all 50 States. Over the past few years, many of these small businesses have been forced to lay off workers and

delay capital investment. At the same time, the tax code forces them to hold on to unproductive and inefficient assets or face the double tax period of the corporate “built-in gains” tax.

Under current law, businesses that convert from C corporation to S corporation status are penalized by a double tax burden for a period of 10 years if they sell assets they owned as a C corporation. This tax penalty is imposed at the corporate level on top of normal shareholder-level taxes, making the sale and reinvestment of these assets prohibitively expensive. In some States, this double-tax burden can exceed 70 percent of the built-in gain.

Clearly this tax penalty is neither justifiable nor sustainable as a reasonable business matter. The built-in gains tax 1. limits cash flow and availability, 2. encourages excess borrowing because the S corporation cannot access the locked-in value of its own assets, and 3. prevents these small businesses from growing and creating jobs.

While I would like to see even more generous relaxation of these rules, for revenue considerations this bill will reduce the built-in gains recognition period, the holding period, from 10 years to 7 years. This three-year reduction would be a significant start in easing this unproductive tax burden on these small and family-owned businesses.

I look forward to working with my colleagues on the Senate Finance Committee and hope the Committee will consider this proposal this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 2604

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REDUCED RECOGNITION PERIOD FOR BUILT-IN GAINS.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) (relating to definitions and special rules) is amended to read as follows:

“(7) RECOGNITION PERIOD.—The term ‘recognition period’ means the 7-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation. For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), the preceding sentence shall be applied without regard to the duration of the recognition period in effect on the date such distribution.”.

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by this section shall apply to any recognition period in effect on or after the date of the enactment of this Act.

(2) SPECIAL APPLICATION TO EXISTING PERIODS EXCEEDING 7 YEARS.—Any recognition period in effect on the date of the enactment of this Act, the length of which is greater than 7 years, shall end on such date.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 391—DESIGNATING THE SECOND WEEK OF DECEMBER 2004 AS “CONVERSATIONS BEFORE THE CRISIS WEEK”

Mr. NELSON of Florida submitted the following resolution; which was referred to the Committee of the Judiciary:

S. RES. 391

Whereas 2,400,000 people in the United States die each year;

Whereas research shows that a majority of people in the United States would prefer to die at home, surrounded by family and other loved ones, free from pain, and with their wishes honored;

Whereas only 30 percent of people in the United States living with life-limiting illness experience the interdisciplinary care that hospice provides to patients and their caregivers;

Whereas studies have shown that too many people do not get the care they want, with 70 percent dying in hospitals and nursing homes suffering needlessly from high levels of pain due to poor pain and symptom management;

Whereas individuals need to have more information and support in order to make informed choices and share these end-of-life care wishes with their families, doctors, lawyers, and clergy;

Whereas all people in the United States have the ability to make their end-of-life care wishes clear through the execution of an advance directive, which includes a living will describing the kind of care they would like to receive and the appointment of a health care agent or proxy to speak for them if they cannot speak for themselves;

Whereas only 15 to 20 percent of people in the United States currently have an advance directive and most do not know that there are options for good pain and symptom management and quality end-of-life care, and thus do not ask for them;

Whereas honoring a dying person's preferences is a critical element of quality end-of-life care and the right of all people in the United States;

Whereas advance directive documents are valid in all 50 states and are available without charge on the Internet;

Whereas a “Conversations Before the Crisis Week”, and activities planned to support this week, would encourage family members to designate time during the week to talk to their loved ones about their personal end-of-life wishes and to document those wishes formally through the completion of a living will and appointing a medical power of attorney; and

Whereas the Senate believes educating people in the United States about end-of-life care choices and encouraging conversations about these issues before there is a medical crisis is of the utmost importance: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the second week of December 2004 as ‘Conversations Before the Crisis Week’; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. NELSON of Florida. Mr. President, last week my colleague Senator JAY ROCKEFELLER and I had the privilege of introducing the Advanced Directives Improvement and Education

Act of 2004, which would improve an individual's understanding of the importance of advance directives and give people the opportunity to discuss their options with their doctor.

The goals of the legislation are important. But as we make advance directives more accessible, we must also reach out to the many Americans who feel uncomfortable discussing serious illness and death and help them learn how to make their end-of-life health care plans.

Accordingly, today I am pleased to introduce a Resolution designating the second week of December 2004 to be "Conversations Before the Crisis Week." During this week, there will be town hall meetings, television and radio shows, educational events, newspaper articles, legal clinics, and other activities taking place in communities across the country. This coordinated effort will bring the discussion of dying out of the shadows and into the public square. There are difficult questions to ask and the answers are neither simple nor universal. But it is essential that we discuss them and that each of us find the best answer we can for ourselves and our families.

The alternative is unacceptable: once a terminal illness or tragedy strikes, it is infinitely more difficult to sort through the complex and confusing emotional, spiritual, legal, and medical concerns. We must begin having these conversations before the crisis because it is important to plan for end-of-life care without the anger, sadness, fear, and pain that may accompany a terminal diagnosis, and because knowing what you want is the greatest gift you can give to those who love you and may have to make medical decisions for you.

It is my hope that as we talk more we will learn more; and as we learn more, we will demand more. If we demand better end-of-life care, we will get it. One example: Medicare has an excellent hospice benefit but only 25-30 percent of eligible Medicare beneficiaries use this service. Even people who do use the hospice benefit stay for an average of 28 days—too short to provide maximum benefit. Since Medicare allows people who need it to have over 180 days of hospice care, this is very surprising. By supporting this resolution, and creating a "Conversations Before the Crisis Week," we can generate important public attention—attention that will help explain this mystery, and attention that will be crucial to helping people end their lives in a way that is as peaceful and as meaningful as possible.

# SENATE RESOLUTION 392—CONVEYING THE SYMPATHY OF THE SENATE TO THE FAMILIES OF THE YOUNG WOMEN MURDERED IN THE STATE OF CHIHUAHUA, MEXICO, AND ENCOURAGING INCREASED UNITED STATES INVOLVEMENT IN BRINGING AN END TO THESE CRIMES

Mr. BINGAMAN (for himself, Mrs. HUTCHISON, and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on Foreign Relations:

## S. RES. 392

Whereas the Mexican border city of Ciudad Juarez has been plagued with the abduction, sexual assault, and brutal murders of more than 370 young women since 1993;

Whereas these abductions and murders have begun to spread south to the city of Chihuahua;

Whereas more than 90 of these murders show signs of being connected to 1 or more serial killers;

Whereas some of the victims are as young as 13 years old, and many were abducted in broad daylight in well-populated areas;

Whereas these murders have brought pain as the families and friends of the victims on both sides of the border struggle to cope with the loss of their loved ones;

Whereas many of the victims have yet to be positively identified;

Whereas the perpetrators of most of these heinous acts remain unknown;

Whereas the Mexican Federal Government has taken steps to prevent these abductions and murders, including setting up a commission to coordinate Federal and State efforts in Mexico, establishing a 40-point plan, appointing a special commissioner, and appointing a special prosecutor;

Whereas in 2003 the El Paso Field Office of the Federal Bureau of Investigation and the El Paso Police Department began providing Mexican authorities with training in investigation techniques and methods;

Whereas the government of the State of Chihuahua has jurisdiction over these crimes;

Whereas Mexico is a party to the following international treaties that relate to abductions and murders: the Charter of the Organization of American States, the American Convention on Human Rights, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, the United Nations Declaration on Violence Against Women, the Convention on the Rights of the Child, the Convention of Belem do Para, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention on Forced Disappearance, and the United Nations Declaration on the Protection of All Persons From Enforced Disappearance; and

Whereas impunity for these crimes is a threat to the ability of Mexico to consolidate its growing democracy: Now, therefore, be it Resolved, That the Senate—

(1) condemns the abductions and murders of young women in Ciudad Juarez and the city of Chihuahua in the State of Chihuahua, Mexico, since 1993;

(2) expresses its sincerest condolences and deepest sympathy to the families of the young women killed in the State of Chihuahua, Mexico, since 1993, many of whom appear to be victims of 1 or more serial murderers;

(3) recognizes the courageous struggle of the victims' families in seeking justice for the victims;

(4) urges the President and Secretary of State to continue to express concern over these abductions and murders to the Government of Mexico and to request that the investigative and preventative efforts of the Mexican Government become part of the bilateral agenda between the Governments of Mexico and the United States;

(5) urges the President and Secretary of State to continue to express support for the efforts of the victims' families to seek justice for the victims, to express concern relating to the continued harassment of these families and the human rights defenders with which they work, and to express concern with respect to impediments in the ability of the families to receive prompt and accurate information in their cases;

(6) supports multilateral efforts to create a DNA database that would allow families to positively identify the remains of the victims and encourages the Secretary of State to facilitate United States participation in such a DNA database;

(7) encourages the Secretary of State to continue to include in the annual Country Report on Human Rights of the Department of State all instances of improper investigatory methods, threats against human rights activists, and the use of torture with respect to cases involving the murder and abduction of young women in the State of Chihuahua;

(8) recommends that the United States Ambassador to Mexico visit Ciudad Juarez and the city of Chihuahua to meet with the families of the victims, women's rights organizations, and Mexican Federal and State officials responsible for investigating these crimes and preventing future such crimes;

(9) condemns the use of torture as a means of investigation into these crimes;

(10) encourages the Secretary of State to urge the Government of Mexico to ensure fair and proper judicial proceedings for the individuals accused of these abductions and murders and to impose appropriate punishment for those individuals subsequently determined to be guilty of such crimes;

(11) condemns all senseless acts of violence in all parts of the world and, in particular, violence against women; and

(12) expresses the solidarity of the people of the United States with the people of Mexico in the face of these tragic and senseless acts.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues Senators HUTCHISON and LANDRIEU to submit a resolution to convey the deepest sympathy of the Senate to the families of the young women who have been tragically murdered in Ciudad Juarez and throughout the State of Chihuahua, and urge the governments of Mexico and the United States to work together to address this issue. This is an issue that has not only affected the people of Mexico, but has long troubled the communities in my home State and across the entire Southwest region. A similar resolution, H. Res. 466, has been introduced by Representative HILDA SOLIS and enjoys the bipartisan support of 125 cosponsors.

In 1993, the bodies of women began appearing in the deserts outside the city of Juarez, Mexico, marking the beginning of a horrendous epidemic that has plagued the United States-Mexico border region for more than 10 years. Since then, more than 370 women have

been killed. Many of the young women were abducted in broad daylight in well-populated areas, held captive for several days and subjected to physical violence, humiliation, and sexual torture, before having their mutilated bodies discovered days, or sometimes years, later in deserted areas.

Unfortunately, these murders have continued into this year. Most recently, on May 28, 14-year old Luisa Rocio Chavez Chavez was found murdered in the city of Chihuahua after disappearing the previous morning on her way home from the store. She had been raped and strangled to death, and her body was found partially clothed. And before that, on April 26, a 33-year old factory worker, Teresa Torbellin, was found after being beaten to death and dragged through bushes and desert, eventually being dumped in a deserted area outside the city. Like these deaths, nearly all of the cases remain unsolved. In fact, many of the bodies of victims have yet to be positively identified. One can only imagine how much pain and suffering this has caused the families and friends of these young women. I want to make sure that these deaths are never forgotten, and that the governments on both sides of the border continue to give this issue the attention that it so rightly deserves.

National and international human rights groups, as well as Mexico's own special prosecutor, Maria Lopez Urbina, have reported that many times bodies were misidentified, evidence was contaminated or lost, key witnesses were not properly interviewed, and autopsies were inadequately performed. Some reports have even suspected local, state, and federal authorities of being involved or complicit in the women's murders.

It is my understanding that President Vicente Fox has taken steps to address this issue, by setting up the Commission to Prevent and Eradicate Violence Against Women, which is responsible for coordinating Federal and State efforts in preventing violence of women in Ciudad Juarez and Chihuahua, and appointing a special prosecutor for punishing those responsible for the murders in Ciudad Juarez and Chihuahua. Although I am pleased that President Fox has taken the initiative on these fronts, I continue to believe that there needs to be a more coordinated effort on the part of the Mexican and U.S. governments. That is why I stand here today to submit this vitally important resolution.

Specifically, this resolution would condemn the abductions and murders of young women in the State of Chihuahua, Mexico, express the sincerest condolences and deepest sympathy of the Senate to the families of the young women, and urge a continued multilateral effort on the part of the governments of Mexico and the United States to address this issue.

To this end, it would urge the governments of Mexico and the United States to support efforts to further de-

velop a DNA database that would allow families to positively identify the remains of the victims, and encourage the Secretary of State to continue to facilitate U.S. participation with such a DNA database.

It would also encourage the Secretary of State to urge the Mexican government to ensure fair and proper judicial proceedings for the individuals accused of these abductions and murders, and to impose appropriate punishment for those individuals found guilty of such crimes. Additionally, it would condemn the use of torture as a means of investigation.

Lastly, this resolution would condemn all senseless acts of violence against women across the world and express the solidarity of the people of the United States with the people of Mexico in the face of these tragic and senseless acts.

This problem cannot be ignored. We have the chance to help end the suffering of these innocent families, and I hope that the Senate will join me in supporting this resolution.

#### SENATE RESOLUTION 393—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF UNITED STATES POLICY FOR A MIDDLE EAST PEACE PROCESS

Mr. FRIST (for himself, Mr. DASCHLE, Mr. LEVIN, Mr. NELSON of Florida, Mrs. BOXER, Mr. LIEBERMAN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. CORZINE, Mr. LAUTENBERG, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 393

Whereas the Road Map, endorsed by the United States, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, remains a realistic and widely recognized plan for making progress toward peace;

Whereas, on April 14, 2004, President Bush welcomed the plan of Israeli Prime Minister Ariel Sharon to remove certain military installations and all settlements from Gaza, and certain military installations and settlements from the West Bank;

Whereas under the Road Map, Palestinians must undertake an immediate cessation of armed activity and all acts of violence against Israelis anywhere, all Palestinian institutions, organizations, and individuals must end incitement against Israel, the Palestinian leadership must act decisively against terror (including sustained, targeted, and effective operations to stop terrorism and dismantle terrorist capabilities and infrastructure), and Palestinians must undertake a comprehensive and fundamental political reform that includes a strong parliamentary democracy and an empowered prime minister;

Whereas Prime Minister Sharon noted Israel's responsibilities under the Road Map include limitations on the growth of settlements, removal of unauthorized outposts, and steps to increase, to the extent permitted by security needs, freedom of movement for Palestinians not engaged in terrorism;

Whereas there likely will be no security for Israelis or Palestinians until they and all states join together to fight terrorism and dismantle terrorist organizations;

Whereas the United States remains committed to Israel's security, and well-being as a Jewish State, including secure, recognized, and defensible borders, and to preserving and strengthening Israel's capability to deter enemies and defend itself against any threat;

Whereas Israel has the right to defend itself against terrorism, including to take actions against terrorist organizations that threaten Israel's citizens;

Whereas, after Israel withdraws from Gaza and parts of the West Bank, existing arrangements regarding control of airspace, territorial waters, and land passages relating to the West Bank and Gaza are planned to continue;

Whereas, as part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with United Nations Security Council Resolutions 242 and 338;

Whereas, in light of realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, but realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities;

Whereas Israeli Prime Minister Ariel Sharon has stated: "the barrier being erected by Israel is a security rather than political barrier, is temporary rather than permanent, and should therefore not prejudice any final status issues including final borders, and its route should take into account, consistent with security needs, its impact on Palestinian communities";

Whereas an agreed just, fair, and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel;

Whereas the United States supports the establishment of a Palestinian state that is viable, contiguous, sovereign, and independent, so that the Palestinian people can build their own future;

Whereas the United States will join with others in the international community to assist in fostering the development of Palestinian democratic political institutions and new leadership committed to those institutions, the reconstruction of civic institutions, the growth of a free and prosperous economy, and the building of capable security institutions dedicated to maintaining law and order and dismantling terrorist organizations; and

Whereas in order to promote a lasting peace, all states must oppose terrorism, support the emergence of a peaceful and democratic Palestine, and state clearly that they will live in peace with Israel: Now, therefore, be it

*Resolved*, That the Senate—

(1) endorses the above-mentioned principles and practices of United States policy in the Middle East, and ongoing actions to make progress toward realizing the vision of two states living side by side in peace and security, as a real contribution toward peace, and as important steps under the Road Map;

(2) reaffirms its commitment to a vision of two states, Israel and Palestine, living side by side in peace and security as the key to peace; and

(3) supports efforts to continue working with others in the international community, to build the capacity and will of Palestinian institutions to fight terrorism, dismantle terrorist organizations, and prevent the areas from which Israel has withdrawn from posing a threat to the security of Israel.

**SENATE RESOLUTION 394—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. DANIEL BAYLY, ET AL.**

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

**S. RES. 394**

Whereas, by Senate Resolution 317, 107th Congress, the Senate authorized the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs to produce records from its investigation into the collapse of Enron Corporation to law enforcement and regulatory officials and agencies;

Whereas, in the case of United States v. Daniel Bayly, et al., Cr. No. H-03-363, pending in the United States District Court for the Southern District of Texas, the parties have requested testimony from Tim Henseler, a former employee of, and Jim Pittrizzi, a detailee to, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Tim Henseler and Jim Pittrizzi are authorized to testify in the case of United States v. Daniel Bayly, et al., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal counsel is authorized to represent Tim Henseler and Jim Pittrizzi in connection with the testimony authorized in section one of this resolution.

**SENATE RESOLUTION 395—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN ULYSSES J. WARD V. DEP'T OF THE ARMY**

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

**S. RES. 395**

Whereas, in the case of Ulysses J. Ward v. Dep't of the Army, No. AT-0752-04-0526-I-1, pending before the Merit Systems Protection Board, testimony and documents have been requested from Joshua Thomas, a former employee of the office of Senator Lamar Alexander;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Stand-

ing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Joshua Thomas is authorized to testify and produce documents in the case of Ulysses J. Ward v. Dep't of the Army, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Joshua Thomas in connection with the testimony authorized in section one of this resolution.

**SENATE RESOLUTION 396—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE PENNSYLVANIA STATE UNIVERSITY**

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

**S. RES. 396**

Whereas in 1854, the Farmers' High School was founded in Centre County, Pennsylvania in response to the State Agricultural Society's interest in establishing an educational institution to bring general education and modern farming methods to the farmers of the Commonwealth of Pennsylvania;

Whereas in 1855, the Farmers' High School was granted a permanent charter by the Pennsylvania General Assembly;

Whereas the Morrill Land-Grant Act of 1862 provided for the distribution of grants of public lands owned by the Federal Government to the States for establishing and maintaining institutions of higher learning;

Whereas in 1863, the Commonwealth accepted a grant of land provided through such Act, establishing one of the first two land-grant institutions in the United States, and designated the Farmers' High School, renamed the Agricultural College of Pennsylvania, as the Commonwealth's sole land-grant institution;

Whereas in 1874, the Agricultural College of Pennsylvania was renamed The Pennsylvania State College and in 1953, such was renamed The Pennsylvania State University;

Whereas with a current enrollment of 83,000, The Pennsylvania State University consists of 11 academic schools, 20 additional campuses located throughout the Commonwealth, the College of Medicine, The Dickinson School of Law, and The Pennsylvania College of Technology;

Whereas 1 in every 8 Pennsylvanians with a college degree, 1 in every 720 Americans, 1 in every 50 engineers, and 1 in every 4 meteorologists are alumni of The Pennsylvania State University;

Whereas formed in 1870, The Pennsylvania State University Alumni Association is the largest dues-paying alumni association in the nation;

Whereas The Pennsylvania State University has the largest outreach effort in United States higher education, delivering programs to learners in 87 countries and all 50 States;

Whereas The Pennsylvania State University consistently ranks in the top 3 universities in terms of SAT scores received from high school seniors;

Whereas The Pennsylvania State University annually hosts the largest student-run

philanthropic event in the world, which benefits the Four Diamonds Fund for families with children being treated for cancer;

Whereas the missions of instruction, research, outreach and extension continue to be the focus of The Pennsylvania State University;

Whereas The Pennsylvania State University is renowned for the following: the rechargeable heart pacemaker design, the heart-assist pump design, 4 astronauts to have flown in space including the first African-American, and the first institution to offer an Agriculture degree; and

Whereas The Pennsylvania State University is one of the most highly regarded research universities in the nation, with an outreach extension program that reaches nearly 1 out of 2 Pennsylvanians a year and an undergraduate school of immense scope and popularity: Now, therefore, be it

*Resolved*, That the Senate commemorates the 150th anniversary of the founding of The Pennsylvania State University and congratulates its faculty, staff, students, alumni, and friends on the occasion.

**SENATE RESOLUTION 397—EXPRESSING THE SENSE OF THE SENATE ON THE TRANSITION OF IRAQ TO A CONSTITUTIONALLY ELECTED GOVERNMENT**

Mr. FRIST (for himself, Mr. DASCHLE, Mr. LUGAR, Mr. SESSIONS, Mr. LIEBERMAN, Mr. GRAHAM of South Carolina, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

**S. RES. 397**

Whereas June 30, 2004, marks Iraq's assumption of sovereignty and the beginning of the transition of Iraq to a free and constitutionally elected government, which is to be established by December 31, 2005;

Whereas the Senate congratulates the Iraqi people, expresses its appreciation to the Iraqi Interim Government, and reaffirms the United States desire for the people of Iraq to live in peace and freedom;

Whereas the successful transition of Iraq to a constitutionally elected government requires that Iraq develop the capacity to provide security to its citizens, defend its borders, deliver essential services, create a transparent and credible political process, and set the conditions for economic prosperity;

Whereas the people of Iraq have a long tradition of cultural and technological achievement and a talented and dedicated population;

Whereas the United States desires peace and prosperity for the citizens of Iraq;

Whereas more than three decades of dictatorial rule have deprived the people of Iraq of the benefits of that tradition and history, caused extraordinary personal suffering, and robbed the people of Iraq of the opportunity to reach their full potential;

Whereas establishing security is a prerequisite to the successful transition to democracy and reconstruction of Iraq;

Whereas providing security to the people of Iraq will require a well-trained and well-equipped police force, a professional military accountable to civilian leadership, the disbanding of militias, and a fair and efficient judicial system;

Whereas the current program to train and equip Iraq security services could benefit from better vetting of candidates, expanded training time, follow-on field training with experienced police and military professionals, and the accelerated provision of equipment and resources;

Whereas the administration of the institutions of government and the delivery of essential services in Iraq will require technical expertise and training not yet fully developed in Iraq;

Whereas Iraq faces a shortage of essential services, including sanitation, safe water, and a reliable supply of electricity;

Whereas economic prosperity in Iraq will require viable financial institutions, conditions that encourage private investment, and the significant reduction of foreign debt incurred by the regime of Saddam Hussein;

Whereas the people of Iraq were the victims of three decades of economic mismanagement under the regime of Saddam Hussein, and have inherited \$120,000,000,000 in debt incurred by that regime;

Whereas Prime Minister Allawi has requested assistance from the international community to aid in the rebuilding and security of Iraq, including assistance from the neighbors of Iraq to improve intelligence-sharing and to tighten controls of the borders with Iraq in order to prevent the infiltration of terrorists and illicit goods, and assistance from the North Atlantic Treaty Organization (NATO) to train and equip Iraqi Security Forces;

Whereas the international community, through a unanimous vote of the United Nations Security Council in Resolution 1546 (2004), called on United Nations member states and international and regional organizations to contribute to a multinational force in Iraq and a dedicated force to provide security for the United Nations presence in Iraq, to help Iraq build the capability of its security forces and governing institutions, to aid in rebuilding the capacity for governance in Iraq, and to commit additional resources to reconstruct and develop the economy of Iraq;

Whereas since the adoption of United Nations Security Council Resolution 1546, some members of the international community who have long expressed concern for the plight of the people of Iraq, and who voted for the adoption of the Resolution in the Security Council, have failed to respond to the urgent needs of the people of Iraq;

Whereas improved security in Iraq and the increased capacity of the people of Iraq to provide essential services will reduce the burdens on United States military personnel in the region;

Whereas the United States supports the determination of the Iraqi Interim Government to defeat the loyalists to Saddam Hussein, radical militias, common criminals, and terrorists who make up the insurgency in Iraq;

Whereas the United States is committed to assisting Iraq in reasserting its full sovereignty, consistent with United Nations Security Council Resolution 1546;

Whereas the Senate acknowledges the efforts and sacrifices of the Armed Forces, other employees of the United States Government, contractors, and their counterparts in the coalition to promote Iraq's security, recovery, and transition; and

Whereas the United States and other members of the international community have a profound stake in the success of the transition of Iraq to a constitutionally elected government: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the members of the Armed Forces and their families have performed courageously and nobly and have earned the deep gratitude of the people of the United States;

(2) success in Iraq is a global priority and therefore demands cooperation from all states and international organizations;

(3) states and international organizations should fulfill their commitments to contribute what resources and skills they can to

the establishment and security of an independent Iraq with a constitutionally elected government;

(4) states and international organizations should fulfill the financial commitments they have already made to the reconstruction of Iraq;

(5) the international community should establish, to the highest standards, additional police training academies inside and outside of Iraq, contribute additional trainers to those academies, and dedicate experienced police to train Iraq police officers in the field;

(6) the North Atlantic Treaty Organization (NATO) is uniquely qualified to respond to the call for assistance in United Nations Security Council Resolution 1546 (2004) to meet the needs of the people of Iraq for security and stability, including by assisting in training the Iraq military, providing security for elections in Iraq, and helping secure the borders of Iraq and should, therefore, respond positively to the request of Interim Iraqi Prime Minister Allawi to provide training, equipment, and other forms of technical assistance that his government determines is appropriate to help Iraq's security forces defeat terrorism and reduce Iraq's reliance on foreign forces;

(7) in order to ensure that the United Nations can play the leading role called for by United Nations Security Council Resolution 1546, member states should contribute additional military and security forces, and other resources as appropriate, to provide security for a United Nations presence in Iraq;

(8) countries unable to contribute security personnel to help stabilize Iraq should contribute to the transition of Iraq in other ways, including by providing technical experts, civil engineers, municipal management advisers, and to fill other needs requested by the Iraqi government;

(9) countries holding debt incurred under the Saddam Hussein regime should meaningfully reduce amounts of that debt;

(10) the United States is committed to a free and peaceful Iraq; and

(11) it is appropriate to thank coalition partners and other countries that have helped promote security, stability, reconstruction, and democracy in Iraq.

#### SENATE CONCURRENT RESOLUTION 120—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. FRIST submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 120

*Resolved by the Senate (the House of Representatives concurring)*, That when the Senate recesses or adjourns on any day from Thursday, June 24, 2004, through Monday, June 28, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, July 6, 2004, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 24, 2004, or Friday, June 25, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 6, 2004, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3486. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 4613, making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes; which was ordered to lie on the table.

SA 3487. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3488. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3489. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3490. Mr. STEVENS (for Mr. BAUCUS) proposed an amendment to the bill H.R. 4613, supra.

SA 3491. Mr. STEVENS (for Mr. CORZINE) proposed an amendment to the bill H.R. 4613, supra.

SA 3492. Mr. STEVENS (for Mr. KENNEDY (for himself, Mr. KERRY, Mr. SCHUMER, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 4613, supra.

SA 3493. Mr. DEWINE (for himself, Mr. LEAHY, Mr. ALEXANDER, Mr. BROWNBACK, Mr. MCCAIN, Mr. BIDEN, Mr. CORZINE, Mr. FEINGOLD, Mr. DURBIN, Mrs. DOLE, and Mrs. CLINTON) proposed an amendment to the bill H.R. 4613, supra.

SA 3494. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3495. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3496. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 4613, supra; which was ordered to lie on the table.

SA 3497. Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill H.R. 4613, supra.

SA 3498. Mr. STEVENS (for Mr. WARNER (for himself and Mr. ALLEN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3499. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 4613, supra.

SA 3500. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 4613, supra.

SA 3501. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 4613, supra.

SA 3502. Mr. BYRD (for himself and Mr. CORZINE) proposed an amendment to the bill H.R. 4613, supra.

SA 3503. Mr. STEVENS (for Mr. LOTT (for himself and Mr. COCHRAN)) proposed an amendment to the bill H.R. 4613, supra.

SA 3504. Mr. STEVENS (for Mr. RED) proposed an amendment to the bill H.R. 4613, supra.

SA 3505. Mr. STEVENS (for Mr. BAYH (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 4613, supra.